

MEMORANDUM FOR: General Counsel

SUBJECT : Comments on H. R. 8748, a Bill to Revise, Codify and Enact into Law Title 5 of the U. S. Code, Entitled "Government Organization and Personnel"

The subject bill and the Report from the Committee on the Judiciary, House of Representatives, relating to this bill have been reviewed by a member of this Office. As a result of this and in view of legislation enacted after 1 April 1959, the cut-off date stated in the Report accompanying the subject bill, this Office has comments or suggestions as follows:

a. Page 102, paragraph 5504(b)

The last sentence of this paragraph should be stricken out. This language has been deleted from current legislation by P. L. 86-122, approved 21 July 1959.

b. Page 127, paragraph 5921(a)

In order to broaden applicability of the paragraph to encompass agencies such as the CIA, a phrase is recommended for addition so that this paragraph will read as follows: (the recommended phrase is underscored)

"(a) Appropriations or funds available to the executive departments, independent establishments and Government corporations for pay of civilian employees stationed outside the several States and the District of Columbia or in Alaska, whose rates of basic pay are fixed by statute or whose rates of compensation are fixed by administrative action pursuant to law, are available for additional pay to these employees . . . etc."

c. Page 113, paragraph 5550
Page 130, paragraph 6103

Neither of these paragraphs state the provisions of law with respect to alternate days to be observed when a holiday falls on a Saturday or Sunday or a day in lieu of a Saturday or Sunday for employees whose workweek is other than Monday through Friday. It is therefore recommended that appropriate language be incorporated (preferably under paragraph 6103) which would state these provisions, especially in view of the recent P. L. 86-362, approved 22 September 1959.

d. Page 148, paragraph 7901

This section on health service programs probably should be reviewed for possible revisions required by P. L. 86-382, approved 28 September 1959.

e. General comments

The admission of Alaska and Hawaii to statehood requires a careful review of phrases such as, "in the continental United States, its territories," "outside the several States and the District of Columbia and in Alaska," and combinations thereof as used in paragraphs pertaining to travel, transportation, allowances, as well as elsewhere. It is recommended that the entire bill be reviewed specifically to correct the wording of such phrases to avoid confusion.

E. R. SAUNDERS
Comptroller